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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 BOSTON SCIENTIFIC CORP. and
TARGET THERAPEUTICS, INC.,

9 Plaintiffs,
10
11 vs.
12 CORDIS CORPORATION,
13
14 Defendants.

Case No.: C02-1474-JW

**STIPULATION REGARDING
SUPPLEMENTAL BRIEFING
REGARDING SUMMARY JUDGMENT
ISSUES RELATED TO THE GUGLIELMI
AND [PROPOSED] ORDER**

15 Pursuant to the Court's instruction, Boston Scientific Corp. and Target Therapeutics, Inc.
16 (collectively "Boston Scientific") and Defendant Cordis Corporation hereby submit a proposed
17 schedule for filing supplemental briefs to further address issues raised during the October 25, 2006
18 hearing on the motions for summary judgment concerning the '385 and '498 Guglielmi patents.
19 The parties do dispute the scope of additional briefing requested by the Court. As set forth in
20 Boston Scientific's opening brief filed on January 12, 2007, it is Boston Scientific's understanding
21 that the Court requested additional briefing only on "infectious unenforceability," and whether the
22 fact that Target charged the University of California, Los Angeles a "nominal fee" to recoup
23 manufacturing and research and development costs concerning the GDC device constitutes an
24 invalidating "commercial sale" under 35 U.S.C. § 102(b). Cordis disagrees with Boston
25 Scientific's position and believes that the Court requested briefing on additional issues raised
26 concerning Cordis's contentions of (1) Inequitable Conduct; and (2) Public Use or Sale under 35
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1 U.S.C. § 102(b). Cordis contends that the Court sought additional guidance from the parties on
 2 these topics during the course of the Hearing on October 25, 2006. See e.g. Transcript at pages 67-
 3 79 and 141- 143. Although the parties do not agree on the scope of the additional briefing (and
 4 will abide by any further instruction by the Court on this issue), the parties do agree to the
 5 following briefing schedule:
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DATE	EVENT
1/12/07	Plaintiffs filed and served supplemental brief
1/26/07	Defendant files and serves responsive brief and supplemental brief on any issues not raised by Plaintiffs
2/9/07	Plaintiffs file Reply Brief to Defendant's responsive brief and supplemental brief on any remaining issues not raised by Defendant
2/16/07	Defendant files and serves Reply Brief to Plaintiffs' supplemental brief

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 15 The Court also instructed the parties' to submit a joint statement of facts in connection
 16 with the parties cross-motions for summary judgment of validity/invalidity of the "radio-opaque"
 17 marker claims of the '385 and '498 patents. The parties propose the following schedule:
 18

DATE	EVENT
1/15/07	Plaintiffs served Defendants with proposed statement of facts
2/2/07	Defendant serves Plaintiffs with counter-proposed statement of facts
2/16/07	Parties file Joint Statement of Facts indicating which facts, if any, are disputed

23
 24 DATED: January 26, 2007

BOSTON SCIENTIFIC CORP.
 and TARGET THERAPEUTICS, INC.

25 By: _____/s/_____

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35 [PROPOSED] ORDER

36 Pursuant to stipulation, IT IS SO ORDERED

37 Dated: 1/30/2007

38 Hon. James Ware
United States District Judge
Northern District of California